

### **REMARKS**

Claims 1, 3, 5, 11 - 15, 18, 20 - 21, and 24 - 25 have been amended. No new matter has been introduced with these amendments, all of which are supported in the application as originally filed. Claims 22 - 23 were previously cancelled from the application without prejudice. Claims 1 - 21 and 24 - 25 remain in the application.

Applicants are not conceding that the subject matter encompassed by the claims as presented prior to this Amendment is not patentable over the art cited by the Examiner, as claim amendments and cancellations in the present application are directed toward facilitating expeditious prosecution of the application and allowance of the currently-presented claims at an early date. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by the claims as presented prior to this Amendment and additional claims, in one or more continuing applications.

#### **I. Rejections under 35 U. S. C. §103(a)**

Paragraph 5 of the Office Action dated July 18, 2008 (hereinafter, the Office Action) states that Claims 1 - 4, 7 - 17, 21 and 24 - 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Crow, "Customer-Focused Development with QFD" (hereinafter Crow). Paragraph 6 of the Office Action states that Claims 5 - 6 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Crow in view of U. S. Patent Publication 2004/0068456 to Korisch. Paragraph 7 of the Office Action states that Claims 18 - 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Crow in view of Lowe, "QFD in New Product

Technology Evaluation” (hereinafter, “Lowe”). The rejections are respectfully traversed with regard to Claims 1 - 21 and 24 - 25 as currently presented.

Applicants respectfully submit that these claim as currently presented are not rendered obvious by the cited references or combinations thereof (assuming, *arguendo*, that such combination could be made and that one of skill in the art would be motivated to attempt it).

The first element of independent Claim 1 recites “determining a plurality of criteria that are important to a target market, and at least one attribute to be used for measuring each of the criteria”. Relative to this subject matter, the Office Action cites the Introduction and the House of Quality figure on page 4 from Crow.

As noted in the Office Action, the Introduction describes background with respect to producing or designing products to meet customer needs. The “voice of the customer” is captured. However, the use of attributes to be used for measuring criteria is not taught or suggested in the Introduction. The House of Quality figure on page 4 is a matrix of customer requirements (which are ranked in terms of priority on a scale of one to five) versus product design requirements or technical characteristics, which are established “to respond to customer requirements” (see numbered paragraph 3 on page 4 of Crow). Relationships “between customer requirements and product requirements or technical characteristics” are then developed and the strength of the relationships between the customer requirements and product design requirements are established (see numbered paragraph 4 on pages 4 - 5 of Crow).

Finally, the matrix is analyzed and product development strategy and product plans finalized, required actions and areas of focus determined, target values finalized and the effects of tradeoffs contemplated (see numbered paragraph 10 on page 5 of Crow).

This is substantially different from the cited subject matter of the first element of Claim 1. In Crow, relationships between customer requirements and product/technical requirements are measured and balanced. Crow determines if the product/technical requirements are relevant to each customer requirement and determines the strength of the relationship between the sets of requirements, as shown in the matrix. As described by Crow, the two sets of requirements are in large part thought of as competing interests that need to be balanced, and are not described as criteria and attributes for measuring criteria, as per the first element of Claim 1, and do not disclose or teach this subject matter.

The third element of Claim 1 recites, in part, “inspecting a representation of the IT product, with reference to selected ones of the attributes”. However, it is not clear what discloses or teaches inspecting a representation of a product. The cited *concept* selection matrix on page 7 illustrates the evaluation of product requirements, together with an importance rating for each product requirement and score for different *product concepts*. No product is inspected. Theoretical product “concepts” are rated. Interestingly, the concept selection matrix labels “product requirements or technical characteristics” as evaluation criteria.

The third element of Claim 1 further recites “assigning attribute values to the selected

attributes, according to how the IT product compares to the specified objective measurements". Relative to this subject matter, the Office Action cites the concept selection matrix on page 7 of Crow and its related discussion beginning on page 6. First, in Crow, product concepts are scored in the matrix, not products. As per Crow on lines 3 - 4 of page 7, "[t]he various product concepts are evaluated on how will they satisfy each criteria". The symbols in the matrix are symbol weights for scores of 5, 3 or 1. The score is then multiplied by the importance rating for each evaluation criteria and the weighted factors added for each column/product concept. The preferred concept will have the highest total. Based on this analysis and other evaluation steps that are not mentioned, a product concept is selected, and the Crow process ends.

Crow does not disclose or teach assigning attribute values according to how the product compares to specified objective measurements. In Crow, product concepts are evaluated on how well they satisfy each criteria. There is no discussion or teaching in Crow that attribute values are assigned based on how well a product compares to the specified objective measurements. Relative to "specified objective measurements", the Office Action apparently refers to item 3 on page 4 of Crow. However, item 3 states that product requirements or technical characteristics are established. The product requirements or technical characteristics are the evaluation criteria in the matrix on page 7. The product requirements or technical characteristics are apparently also deemed to be the attributes of Claim 1 by the Office Action. The product requirements or technical characteristics (also called the evaluation criteria) of Crow are apparently deemed in the Office Action to disclose *both* the attributes *and* the specified objective measurements according to which attribute values are assigned.

The third element of Claim 1 also recites, in part, “generating a list of recommended actions, the list having an entry for each of the selected attributes for which the assigned attribute value falls below a threshold”. As noted above, the Crow process ends when the concept scores are added as illustrated in the figure on page 7. The Office Action asserts that the data in the figure on page 7 discloses attributes value. However, Crow does not do anything further with this data other than use them to create totals for each concept. Crow does not use this data to generate a list of recommended actions for each of the selected attributes for which the assigned attribute value falls below a threshold.

But rather than focus on page 7, the Office Action refers to item 2 on page 4 of Crow as disclosing this subject matter. Thresholds are not discussed or disclosed in item 2. The Office Action asserts that the product requirements or technical characteristics (referred to as evaluation criteria in the figure on page 7 of Crow) disclose the attributes of Claim 1. However, item 2 does not discuss product requirements or technical characteristics. No list of recommended actions for attributes is generated in item 2. There is no discussion of an attribute value falling below a threshold in item 2. Clearly, the cited subject matter from Claim 1 is not taught, suggested or disclosed by Crow.

The third element of Claim 1 also recites, in part, “generating ... a specification of how much the assessment score would be increased if the assigned attribute value was raised to the threshold.” However, given the above discussion with respect to attribute values and the lack of

thresholds in Crow, Crow clearly does not teach, suggest or disclose this subject matter as well.

Notwithstanding the discussion beginning at the bottom of page 4 of the Office Action, where the Office Action admits that Crow is “not expressly clear on threshold values” but then goes on to state that the use of gap analysis and benchmarking are well-known techniques, the combination of Crow and these “well-known techniques” does not teach, suggest or disclose the subject matter from Claim 1 discussed above relative to generating recommended actions or how an assessment score would be increased if the assigned attribute value was increased. As noted above, the Crow process *ends* when the product concept totals from the figure on page 7 are tabulated and compared to each other. Not list of recommended actions are generated in Crow or the “well-known techniques” if an attribute value falls below a threshold. No specification is generated of how much the assessment score would be increased if the assigned attribute value was raised to the threshold. Accordingly, Claim 1 distinguishes over the cited art.

Based on the above arguments, Applicants submit that Claim 1 distinguishes over the Crow. Independent Claims 14 and 24 were rejected for similar reasons to Claim 1 over the Crow. Therefore, Applicants respectfully submit that these claims as currently presented are not rendered obvious by the cited references or combinations thereof (assuming, *arguendo*, that such combination could be made and that one of skill in the art would be motivated to attempt it).

Applicants respectfully submit that Claim 1 is not obvious over the cited references under 35 U. S. C. §103(a). Independent Claims 14 and 24 recite analogous claim language, and those independent claims are therefore deemed patentable over the references as well. Dependent Claims 2 - 13, 15 - 21, and 25 are deemed patentable by virtue of (at least) the patentability of the independent claims from which they depend.

The Examiner is therefore respectfully requested to withdraw the §103 rejections.

II. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

/Marcia L. Doubet/

Cust. Nbr. for Correspondence: 43168  
Phone: 407-343-7586  
Fax: 407-343-7587

Marcia L. Doubet,  
Attorney for Applicants  
Regis. Nbr. 40,999